

service support to any telecommunications service under Section 254 of the Act. The Commission should reject PRTC's argument and require incumbent LECs to apply receipts from the interstate Universal Service Fund to interstate access services.

Interstate access services are above cost, allegedly, because they contain implicit subsidies aimed at ensuring affordable local service. As part of the Universal Service Order, the Commission established an explicit and portable interstate universal service subsidy funded by interstate telecommunications providers, on the basis of their respective interstate revenues. Since this fund is financed by interstate providers, and ostensibly reflects the universal service subsidy implicit in interstate access charges, it is only logical that the interstate universal service subsidy be targeted to reduce the interstate revenue requirement of incumbent LECs. Thus, when the universal service support implicit in access charges is made explicit, access charges must be reduced to avoid double recovery of that support. The support received is already being used to lower local service rates.

V. Other Competitive Issues

A. The Record Justifies at Least a Three Year Moratorium on the Imposition of Call Setup Charges

MCI supports the User Parties⁴² and CompuServe's request that the Commission reconsider the part of the First Report and Order which allows LECs to implement call setup charges beginning on July 1, 1998. MCI supports the User Parties' and CompuServe's request that the Commission extend the one-year transition period until July 1, 2000, so that large

⁴²User Parties refers to Ad HOC Telecommunications Users Committee, First Data Corporation, Bankers Clearing House, the New York Clearing House Association, MasterCard International Incorporated and Visa, USA, Inc.

telecommunications providers with high-volume short-duration calls will not experience "rate shock" as a result of the Commission's First Report and Order.

The User Parties and CompuServe correctly point out that without such an extension it is likely that new setup charges, which the Commission predicted would not likely be de minimis, would significantly affect the underlying economics of such large telecommunications users.⁴³ The User Parties and CompuServe correctly argue that both the Commission and the Courts have long recognized the need for a reasonable transition period to implement rate increases to avoid disruption of service. Given that these users require two to three years to transition their vendor relationships and the uncertainty surrounding the Commission's Internet NOI,⁴⁴ the two-year extension requested by the User Parties and CompuServe clearly would be in the public interest.

B. Access Charges Must Not Be Assessed on Unbundled Network Elements

In its Petition for Reconsideration, the Rural Telephone Companies requests that the Commission reconsider and vacate its mandate disallowing the collection of access charges when an interexchange carrier or other carrier purchases unbundled network elements.⁴⁵ The Rural Telephone Companies complain that such a ruling causes "economic injury" to incumbent LECs which will only be able to recover the forward-looking costs of those elements.⁴⁶

The Commission should dismiss the Rural Telephone Companies request that access

⁴³User Parties points out that such setup charges could increase costs of debit card transaction alone by more than \$122 million per year. Ad HOC Petition at 8.

⁴⁴Usage of the Public Switched Network by Information Service and Internet Access Providers, Notice of Inquiry, 11 FCC Rcd 21354 (Dec 24, 1996).

⁴⁵Rural Telephone Companies Petition at 1.

⁴⁶Id at 2-3.

charges be applied to unbundled network elements. The Commission's ruling is correct and should not be reversed. Moreover, the Commission has already reviewed its decision in response to the Request for Stay filed jointly by Pacific Bell, Nevada Bell, and Southwestern Bell Telephone Company on June 3, 1997. In its Order Denying the Joint Petition for Stay,⁴⁷ the Commission reiterated that extending:

...interstate access charges to purchasers of unbundled network elements...would needlessly and seriously delay the development of local competition -- in direct contravention of the goals Congress sought to achieve in the 1996 Telecommunications Act. Such charges would create additional disincentives for potential local competitors to use unbundled network elements as a means of entering that already difficult market. (The incumbents in that market are precisely the same parties who would be collecting this additional charge -- further extending the advantage of their incumbency.)⁴⁸

The Commission went on to point out that:

If new entrants were required to pay interstate access charges to ILECs for access that the ILECs do not provide, on top of cost-based rates for unbundled elements, many entry decisions that were predicated on the use of unbundled elements almost certainly would be discouraged or at least delayed.⁴⁹

The Commission correctly determined in its First Report and Order, and reaffirmed in its Order Denying the Joint Petition for Stay, the straightforward answer that incumbent LECs may only recover costs for services which they provide. Thus, the Commission correctly determined that since incumbent LECs are not providing access when they provide unbundled network elements

⁴⁷In the Matter of Access Charge Reform, CC Docket No. 96-262; Price Cap Performance Review for Local Exchange Carriers, CC Docket No. 94-1; Transport Rate Structure and Pricing, CC Docket No. 91-213; End User Common Line Charges, CC Docket No. 95-72; Order, released, June 18, 1997 (Order Denying the Joint Petition for Stay).

⁴⁸Id. at ¶38

⁴⁹Id.

to CLECs, they may not assess access charges on those elements. The Commission should uphold its mandate disallowing the collection of access charges when an interexchange carrier or other carrier purchases unbundled network elements.

C. Incumbent LECs Should Not Be Permitted to Double-Recover the Cost of Trunk Ports

AT&T argues in its petition for reconsideration that, since virtually all price cap incumbent LECs have an unbundled local switching element that covers the full cost of local switching functionality including the "trunk port," incumbent LECs should not be permitted to recover a portion of the local switching costs via the access trunk port charge.⁵⁰ MCI agrees with AT&T that the incumbent LECs are already fully recovering their local switching costs through the local switching element, and therefore, should not be permitted to double-recover such costs by also charging a trunk port charge when a CLEC purchases unbundled network elements. MCI urges the Commission to clarify that, to avoid double recovery, whenever trunk ports are used for long distance traffic associated with end user customers served by the unbundled network elements switch, the access trunk port charge should not be charged.

D. The Commission Correctly Precludes Recovery of Marketing Expenses from Single-Line Residence and Business Customers

In the First Report and Order, the Commission correctly precludes marketing expenses from single-line residences and business customers because (1) the marketing of activities of price cap incumbent LECs is directed to multi-line business and non-primary residential line end users; and (2) continued recovery of interstate-allocated marketing expenses in per minute

⁵⁰AT&T Petition at 12-13.

switched access charges would raise competitive concerns.⁵¹ The Commission correctly recognized that IXCs would be placed at a competitive disadvantage vis-a-vis the incumbent LECs if the Commission permitted the incumbent LECs to recover from the IXCs through interstate switched access charges their costs of marketing retail services.

USTA requests in its petition for reconsideration that the Commission allow incumbent LECs to recover marketing expenses from all lines because marketing expenses represent costs that are incurred in the provision of service to all markets and customer segments, including the costs LECs incur in marketing access directly to the IXCs.⁵² USTA proposes that Account 6610 marketing expenses be divided by the total SLC line count, including all residence and business lines, to determine the per line charge to end users.⁵³ USTA suggests this amount be subject to the applicable SLC cap, and that any marketing expenses which are not recovered through this charge would be recovered through the PICCs and then through originating and finally through terminating per minute charges.⁵⁴

First, USTA has provided no new evidence to support its claim that the marketing activities of price cap incumbent LECs is not directed primarily to multi-line business and non-primary residential line end users. It has also not provided any evidence to support its claim that significant marketing expenses are incurred in marketing access directly to IXCs.

Second, the Commission was correct that it would create a playing field that was not

⁵¹First Report and Order at ¶321-322.

⁵²USTA Petition at 7.

⁵³Id.

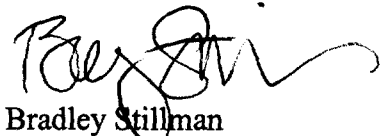
⁵⁴Id.

level if incumbent LECs were permitted to recover their marketing costs from IXC's, and IXC's and other new entrants were also forced to pay for their own marketing costs. USTA's plan allowing incumbent LECs to recover marketing expenses through a PICC, and then through originating and terminating per minute charges would create a situation in violation of the Commission's long-standing cost-causation recovery principles. USTA's recommendation should be rejected because it would require parties other than the cost-causer to pay for the marketing expenses.

VI. Conclusion

WHEREFORE, MCI Telecommunications Corporation respectfully requests the Commission to make the changes to the First Report and Order on access reform that are necessary to comply with the positions raised above.

Respectfully submitted,



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August 18, 1997

CERTIFICATE OF SERVICE

I, John E. Ferguson III, do hereby certify that copies of the foregoing Comments of MCI in the Matter of Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing and End User Common Line Charges were sent, on this 18th day of August, 1997, via first-class mail, postage pre-paid, to the following:

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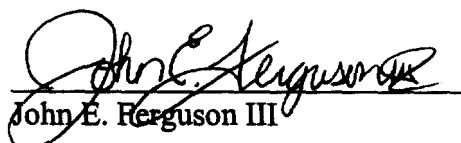
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